

CPA #2009-M-03 SUNSET BLUFFS

Initiated by: Merlino Land Development Co., Inc. (MLDC), Quarry Industrial Park, L.L.C. (QIP), and Virtu Sunset View, L.L.C. (Virtu)

Applicant: Merlino Land Development Co., Inc. (MLDC), Quarry Industrial Park, L.L.C. (QIP), and Virtu Sunset View, L.L.C. (Virtu)

General Description

A proposal for a Comprehensive Plan Amendment was submitted for six separate parcels located within the vicinity of the Sunset View Apartments at 2101 SW Sunset Boulevard. This proposal includes the SE corner of the Sunset View Apartments and abutting properties to the south and east (including a strip of unimproved right-of-way). The request is comprised of two separate parts, which are as follows:

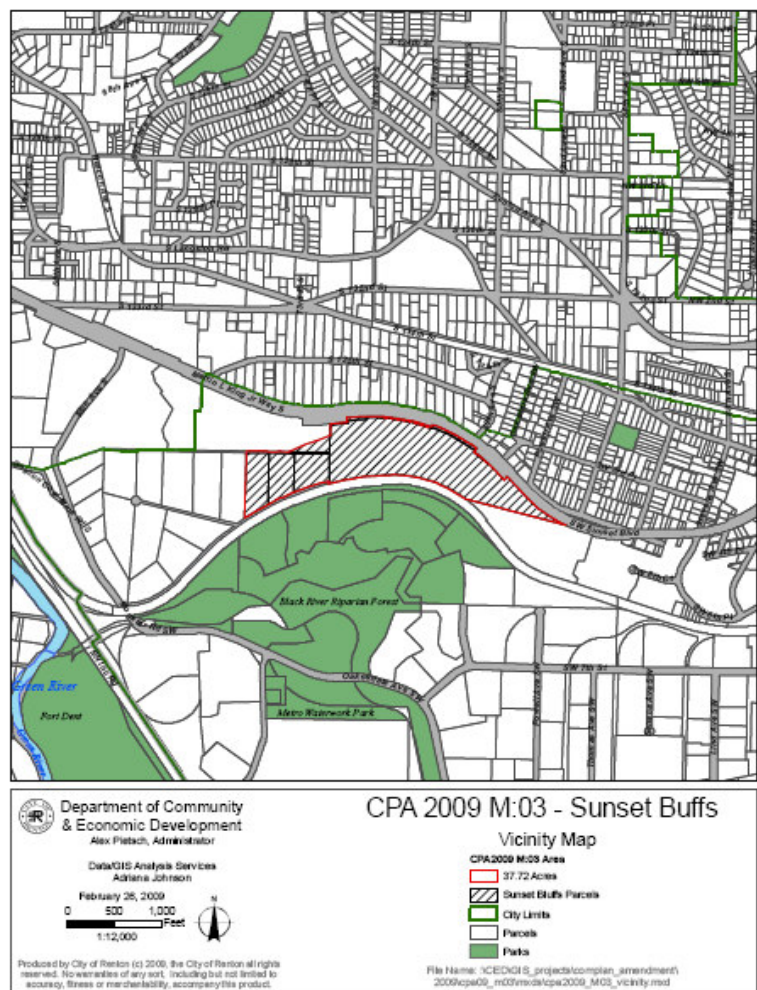
Part A (MLDC):

Part A includes the property owned by Merlino Land Development Company (MLDC) which is made up of two tax parcels (1323049006 and 1323049010) approximately 27.09 acres in size. This Comprehensive Plan Amendment would redesignate the MLDC property from Residential Medium Density (RMD) and Residential Low Density (RLD) land use designations and Residential 10 (R-10) and Resource Conservation (RC) zoning to Employment Area Valley (EAV) land use designation and Commercial Office (CO) zoning. This site has currently been graded pursuant to the approved Sunset Bluff preliminary plat.

Part B (QIP & Virtu):

Part B includes the property owned by Quarry Industrial Park, LLC (QIP) and AG/Virtu Sunset View, LLC (Virtu) which is made up of four tax parcels (3779200005, 3779200008, 3779200009, and 000140009) and a portion of unimproved right-of-way, approximately 9.93 acres in size.

This Comprehensive Plan Amendment would redesignate the QIP and Virtu property from Residential Medium Density (RMD) and Residential Low Density (RLD) land use designations and Residential 10 (R-10) and Resource Conservation (RC) zoning to Employment Area Valley (EAV) land use designation and Industrial Light (IL) zoning. The QIP property is currently used



for storage and recycling of construction materials and equipment and the Virtu property is a vacant corner portion of the site of the existing Sunset View Apartments.

The subject site is bounded on the north by SW Sunset Boulevard and the east by a residential multi-family complex. Immediately south of the site is the BNSF railroad right-of-way and beyond the railroad is the Black River Riparian Forest. To the west of the site is the Black River Quarry.

Impact Analysis

Effect on rate of growth, development, and conversion of land as envisioned in the Plan

Under the current RMD land use and R-10 zoning, the subject property (37.02 acres) would, theoretically be eligible for a maximum of 174 dwelling units. Although, the subject site contains many critical areas and special features which would limit the maximum development potential.

The applicant, MLDC, applied for a preliminary plat for a single-family residential development in 2004, for the MLDC property (26.04 acres). This plat was approved with 65 single-family residential lots. An existing development agreement restricted the maximum number of residential units that could be permitted on the property to 69. This number may be a more practical number for maximum density than the theoretical 120 dwelling units, which would be the maximum for this portion of the site. Furthermore, the R-10 zone allows for multi-family units in addition to single-family. If the subject development was proposed with multi-family units instead of single-family, there could be the potential to increase the 65 approved dwelling units on the subject site. However, the existing development agreement also restricted the type of residential development to single-family.

A portion of both the MLDC and QIP/Virtu property is designated RLD on the Comprehensive Plan Map and is zoned RC. Under the current condition, this area (1.37 acres), would not be eligible for any dwelling units as the maximum density is one dwelling unit per ten acres.

The applicant has proposed to change the land use designation to EAV and the zone to CO for the MLDC property and IL for the QIP/Virtu property. Under this designation no residential uses would be allowed on the subject property, resulting in a loss of 174 potential residential units; although, new uses would be permitted with the new zoning classification that would foster an increase in the employment base for the City of Renton. This amendment would be consistent with the rate of growth (the growth target identified by the Comprehensive Plan for the year 2022 is 9,300 new jobs), development, and conversion of land as envisioned in the Plan. Objective LU-EEE encourages economic growth resulting in greater diversity and stability in the employment and tax bases by providing adequate land capacity through zoning amounts of land to meet the needs for future employers.

Effect on the City's capacity to provide adequate public facilities

Water and sewer infrastructure is minimal in the subject area. There is an existing wastewater line north of the MLDC property within SW Sunset Boulevard and an existing 12-inch water main along the easterly 930 feet of MLDC in SW Sunset Boulevard. Water and sewer service would be provided by the City of Renton. Any new development within the area would be

required to construct the necessary infrastructure to provide adequate sewer and water services to the new development.

City services including police, fire, emergency response, and refuse collection are already in place; although, existing access to the subject properties is not improved. In order for sufficient police, fire, emergency response and refuse collection at the subject site, new right-of-way improvements would be required. The change in type of development from residential to office or light industrial would not affect the ability of the City to provide adequate public facilities.

Effect on the rate of population and employment growth

The proposed amendment would result in a potential loss of approximately 174 residential dwelling units and a potential gain of approximately 1,546 employees.

Whether Plan objectives are being met as specified or remain valid and desirable

The following Comprehensive Plan policies relate to the proposal:

Objective LU-HHH: *Provide for a mix of employment-based uses, including commercial, office, and industrial development to support the economic development of the City of Renton.*

This proposed amendment would provide for employment-based uses, including commercial, office, and industrial development opportunities. Currently under the RMD designation, many of these uses are not permitted. This amendment would provide for development opportunities that would support the economic development of the City of Renton.

Objective LU-EEE: *Encourage economic growth resulting in greater diversity and stability in the employment and tax bases by providing adequate land capacity through zoning amounts of land to meet the needs of future employers.*

This Comprehensive Plan Amendment would result in an increase in available office and industrial zoned land, which would provide the opportunity for potential future development, resulting in a potential increase in employment base for the City of Renton. This amendment would therefore support economic growth, diversity, and stability in the employment and tax bases of the City.

Objective LU-FFF: *Promote the development of low impact, light industrial uses, particularly those within the high-technology category, in Employment Area-Valley and employment Area-Industrial designations where potentially adverse impacts can be mitigated.*

This amendment would promote the development of low impact, light industrial uses, and office uses. The potentially adverse impacts from the possible future development of the subject sites could be mitigated at the time of project development through Environmental Review (SEPA).

The subject amendment may meet Objectives of the EAV land use designation although, goal #7(g) of the Land Use Element of the Comprehensive Plan promotes neighborhoods that are safe and provide healthy environments in which to live. The Virtu property is located on the same parcel as the Sunset View Apartments. This piece of property is forested and provides a buffer from the existing residential development on site and the potential IL and CO zoning on the QIP

and MLDC property. Based on goal #7(g) of the Land Use Element, allowing a light industrial use on the same parcel as an existing residential use would not be consistent with this goal. However, if a portion of the existing vegetation was retained immediately south of the Sunset View Apartments to provide a buffer from the future light industrial uses on the subject site then goal #7 could be met. It is also important to note, that development of the lower portion of the Virtu property into a residential use would not be compatible with the office and light industrial uses that would be immediately adjacent to the Virtu site, both to the south and west.

Effect on general land values or housing costs

Where properties are rezoned from residential to commercial/industrial uses, as is the case with this proposal, many factors are the primary determinants of whether and how much an individual property's market value increases. These factors include location, supply of buildable sites, and the demand for commercial industrial land. The proximity of this property to I-405 and Hwy-167 will likely increase its value as an industrial and office property. Furthermore, the proximity of this property to the Metro Treatment Plant would likely reduce perceived residential property values. The Metro Treatment Plants proximity to IL or CO zone property would not likely have a negative effect on property values as in a residential zoned property. This proposal would likely increase these properties' values.

The re-designation of the Virtu property from R-10 to IL would likely reduce the property value of the existing Sunset View Apartments. This proposal, if approved, may remove the existing vegetative buffer that is located on the Virtu property for a future IL development. If this vegetation is removed and an industrial use is placed on the same property as this existing residential development, it is likely to reduce the value of this particular parcel. The two uses are not compatible immediately adjacent to each other. If the Virtu property was to remain zoned R-10 then the vegetation located within this portion of the site could be retained, which in turn would provide a buffer for the Sunset View Apartments from the proposed IL and CO zones that would be south and east of the Apartments. As such, retaining the vegetation that provides separation between the uses would retain the property values of the Sunset View Apartments.

Whether capital improvements or expenditures are being made or completed as expected

In order for further development to occur on these sites the developer would be required to provide the necessary improvements for sewer, water, and access (right-of-way dedication and improvements). This would result in little to no additional effects on capital improvements or expenditures.

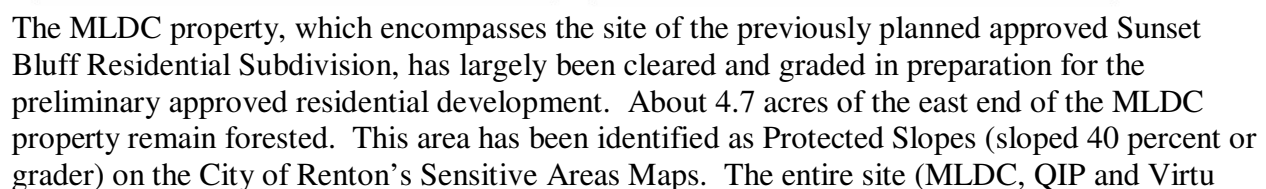
Consistency with GMA, the Plan, and Countywide Planning Policies

The GMA, Countywide Planning Policies, and the Comprehensive Plan emphasize the importance of coordination between jurisdictions when planning for future growth. As noted above under "Whether Plan objectives are being met as specified or remain valid and desirable," staff has identified consistency with the City's Comprehensive Plan Objectives.

GMA asks jurisdictions to implement thirteen different goals in their Comprehensive Plans and development regulations. Jurisdictions are given the discretion and authority to balance the implementation of these goals in accordance with local priorities, as long as the goals are met. In this case, the goals that must be balanced include promoting economic growth and providing

Like GMA and the Comprehensive Plan, this amendment would be consistent with Countywide Planning Policies. Policy U-107 states: most population and employment growth should locate in the contiguous Urban Growth Area in western King County, especially in Cities and their Potential Annexation Areas and Policy U-109 states: King County supports the development of Urban Centers to meet the region's needs for housing, jobs, services, culture and recreation and to promote health. These Countywide Planning Policies guide the development of urban centers, which are located in cities and should accommodate concentrations of housing and employment. This amendment would provide for a variety of uses within one geographic area of the City, to include residential, heavy industrial, and a City park (all existing) and the addition of light industrial and office uses to the area.

Sensitive areas have been mapped over the entire site, including wetlands, streams, critical habitat, sensitive slopes, protected slopes, high and very high landslide hazards, and high erosion hazards.



properties) in general, slopes from north to south with nearly the entire land area ranging between 15 to 25 percent slopes, with pockets of slopes up to 40 percent, and small pockets without regulated slopes. All portions of the site in excess of 15 percent slopes are within a high erosion hazard area, pursuant to the City's Sensitive Areas Maps. Given this topography, the entire area is mapped as an "unclassified" landslide hazard area in the City's Sensitive Areas Maps. In 2004, the MLDC property owner completed a Geotechnical Investigation, prepared by Earth Consultants Inc. that identified the "unclassified" landslide hazards, on this portion of the site, as a medium landslide hazard area.

The MLDC property contains parts of a Category 1 and a Category 3 wetland in addition to a Class 4 stream, which were identified in a Wetland Delineation prepared by Theresa R. Henson Consulting on August 29, 2000. The Category 1 wetland is approximately 3 acres and is located on the east portion of the MLDC property's south boundary. Approximately 6,078 square feet of this wetland are located on the subject site. The Category 3 wetland is approximately 400 square feet and is located along the western portion of the MLDC property south boundary. Approximately 258 square feet of this wetland is located on the subject site. The stream is located in the eastern one third of the MLDC property. Pursuant to the provided Wetland Delineation, the stream is not used by significant numbers of fish, if it is used by any fish at all. In addition, the applicant provided a Wetland Reconnaissance, prepared by Raedeke Associates, Inc. dated February 4, 2009. This reconnaissance concluded that there were no wetlands located on the QIP and Virtu properties.

Furthermore, the proposed Comprehensive Plan Amendment is in the vicinity of a Great Blue Heron Colony on City of Renton parkland, known as the Black River Riparian Forest and Wetland. Heron nesting colonies are considered priority areas per Washington State Department of Fish and Wildlife (WDFW). Nesting bald eagles also live near the colony, as well as a wide variety of animal species. This area is south of the proposed amendment and is separated from the site by the BNSF rail line.

The Wildlife Reconnaissance, prepared by Raedeke Associates, Inc. states that the great blue heron nesting colony is located about 965 feet south of the QIP property. This report indicated that in addition to the great blue heron colony, three bald eagle nests are mapped within approximately 1.5 miles of the subject site. The closest of which is 1,100 feet south of the site within the Black River Riparian Forest. In Washington State, bald eagles are protected by the Bald Eagle Protection Act of 1984 and the Bald Eagle Protection Rules; these rules require a Bald Eagle Management Plan for proposed projects that fall within a Bald Eagle Management Zone (800 feet of a nest, or within 250 feet of shoreline if also within 0.5 mile of a nest). Based on the nests found within the vicinity of the subject site a Bald Eagle Management Plan would not be required. In addition to the above mention species, the following species of "importance" were identified within the provided report: Pileated Woodpeckers (a "State candidate" species) and the Band-tailed Pigeon (a "Species of Recreation, Commercial and/or Tribal Importance"). The report concluded that even though there was evidence of the aforementioned species, it is unlikely that the critical habitat necessary for these species survival is sufficient on the subject site.

In addition to the Wildlife Reconnaissance, Raedeke Associates, Inc. prepared a Great Blue Heron Assessment, dated February 2, 2009 for the subject amendment. The conclusions made within this report indicate that rezoning the subject area from R-10 and RC to IL and CO should have no adverse impact upon the heron colony. In short, the author of the Great Blue Heron Assessment gave the following reason for their decision:

- Disturbance would be reduced compared to current uses of the site and would not increase compared to the residential uses currently allowed on site;
- Black River herons have adapted to the existing heavy-industrial Black River Quarry, which would have more impact than IL and/or CO uses;
- The heron colony has shown no negative impacts associated with commercial office park development to the southeast and east of the colony;
- The subject sites distance from the heron colony;
- The new uses allowed with the rezone would not involve children and/or dogs, cats or household pets that theoretically might venture into the Black River Riparian Forest.

Depending on the proposed use for the subject site, all of the above environmental considerations would need to be evaluated in determining the appropriate intensity of use. In addition, project level mitigation measures would need to be identified at the future development stage; which could be accomplished through the City's Critical Areas Ordinance and Environmental Review (SEPA).

Effect on other considerations

It should be noted that the QIP and Virtu property went through a Comprehensive Plan Amendment in 2007. This request change the QIP property from Employment Area – Industrial (EAI) and the Virtu property from Residential Multi-Family (RMF) land use designations to a Residential Medium Density (RMD) land use designation. This request changed the properties from Industrial Heavy (QIP property) and Residential Multi-Family (Virtu) property zoning to R-10 zoning. This resulted in a downzone for the Virtu property.

Review Criteria

RMC 4-9-020G states that the proposal shall demonstrate that the requested amendment is timely and meets at least one of the following criteria:

1. The request supports the Vision embodied in the Comprehensive Plan, or
2. The request supports the adopted business plan goals established by the City Council, or
3. The request eliminates conflicts with existing elements or policies, or
4. The request amends the Comprehensive Plan to accommodate new policy directives of the City Council.

This amendment meets Criteria #1. A key component of the Vision embodied in the Comprehensive Plan is to provide a "...full spectrum of employment opportunities for all economic segments..."

Staff Recommendation

Staff recommends approval of the amendment as requested, excluding the Virtu property. This proposal would provide a transition from the heavy industrial to the west and the residential uses

to the north and east. Furthermore, the potential office and light industrial uses on the site may have less impact than residential uses on the Great Blue Heron Colony located in the Black River Riparian Forest.

Staff recommends approval of the amendment to the Virtu property with the following condition:

- A portion of the Virtu property, ranging between the approximate elevation of 154 feet down to the approximate elevation of 120 feet Mean Sea Level, be maintained in a natural buffer area between the new employment and the established residential development (see Attachment A)

Implementation Requirements

Amend the Comprehensive Plan Map to change the land use designation to EAV for tax parcels, 1323049006, 1323049010, 377320005, 3773200008, 3779200009, 0001400009, and the portion of unimproved right-of-way (named South 137th Street under King County's street naming system). Concurrently amend the Zoning Map to change the zoning of tax parcels 1323049006 and 1323049010 to CO and tax parcels 377320005, 3773200008, 3779200009, and 0001400009 to IL from R-10 and RC.

A condition of approval for the portion of the Virtu property that is to be maintained as a natural buffer area between new employment and established residential development shall be memorialized prior to development application submittal.